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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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 GUIDANT CORPORATION, GUIDANT SALES CORPORATION,
 and CARDIAC PACEMAKERS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)

LORRAINE FURTADO, DENNIS FOUGHT,) Case No. C:05-3160 MHP
 THOMAS PAGE, and CARMEL FUNSTON,)
 on behalf of themselves and all others similarly) (Related to Case No. C:05-3042 MHP)
 situated,)

Plaintiffs,

v.

GUIDANT CORPORATION, GUIDANT
 SALES CORPORATION, and CARDIAC
 PACEMAKERS, INC.,

Defendants.

**STIPULATION AND [PROPOSED]
 ORDER FOR EXTENSION OF TIME TO
 ANSWER OR OTHERWISE RESPOND TO
 PLAINTIFFS' COMPLAINT AND TO
 CONFER REGARDING ADR PROCESS
 SELECTION**

IT IS HEREBY STIPULATED by and between the parties through their designated counsel that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint shall be extended pending a transfer decision by the Judicial Panel on Multidistrict Litigation ("JPML").

IT IS HEREBY FURTHER STIPULATED that the deadline for the parties to confer regarding ADR process selection and to file related ADR pleadings pursuant to ADR L.R. 3-5 and Civil L.R. 16-9 shall be extended pending a transfer decision by the JPML.

STIPULATION AND [PROPOSED] ORDER REGARDING ADR PROCESS SELECTION

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1 In a number of cases pending against Defendants in federal courts in various states,
2 plaintiffs have filed motions to transfer and to consolidate their cases under 28 U.S.C. 1407 in the
3 proceedings entitled *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*,
4 MDL Docket No. 1708. A hearing on these motions was held before the JPML on September 29,
5 2005. The parties anticipate a ruling in the near future and expect that this case will be transferred to
6 a jurisdiction which will oversee the coordinated proceedings. In the short intervening time between
7 now and a determination by the JPML on whether to grant those motions, the time and resources of
8 the parties should not be expended in answering or responding to the complaint or in submitting to
9 ADR.

10 Pursuant to this stipulation, the deadline by which Defendants must answer or
11 otherwise respond to the Complaint in this action is as follows: (a) if those motions to transfer and
12 consolidate are *granted* by the JPML, a deadline set by the transferee court; or (b) if those motions
13 are *denied* by the JPML, thirty (30) days after such denial.

14 Additionally, pursuant to this stipulation, in the event that the motions to transfer are
15 *denied* by the JPML, the parties agree to confer regarding ADR process selection and to file related
16 ADR pleadings pursuant to ADR L.R. 3-5 and Civil L.R. 16-9 within thirty (30) days of such denial.

17 October 12, 2005

Respectfully submitted,

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, L.L.P.

By: 

ELIZABETH J. CABRASER
LORI E. ANDRUS
TODD A. WALBURG

Attorneys for Plaintiffs
LORIANNE FURTADO, DENNIS
FOUGHT, THOMAS PAGE, and
CARMEL FUNSTON, on behalf of
themselves and all others similarly
situated.

STIPULATION AND [PROPOSED] ORDER REGARDING ADR PROCESS SELECTION
CASE No C:05-3160 MHP

1 October 12, 2005

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: 


DANA N. GWALTNEY
SARA L. ROMANO

Attorneys for Defendants
GUIDANT CORPORATION,
GUIDANT SALES CORPORATION,
and CARDIAC PACEMAKERS, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/14/05


THE HONORABLE MARILYN H. PATEL